

REMARKS

Claim Objections

Claim 17 stands objected to because the Action alleges that “the recitation that the elements in the second group are longer than the elements in the first group is not originally supported and thus constitutes new matter.” (Action at Paragraph 2.) We disagree.

Figure 1 of the application shows elements 16 (the rotatable elements) being longer than elements 14. Furthermore, the application explains that “[e]lements 14 are designed to clean the exposed surfaces of teeth” whereas “[e]lements 16 are designed to penetrate in between teeth to clean the interdental spaces,” and “[t]he interproximal residence time of elements 16 is significantly increased as compared to elements 14 which are rigidly fixed to head 14.” (See, original patent at 2:32-33, 39-43.) One of ordinary skill in the art would appreciate that the depiction in Figure 1 of elements 16 being longer than elements 14 was intentional, because the additional length of elements 16 can improve the cleaning of interdental spaces and increase interproximal residence times relative to elements 14. Accordingly, we submit that the application supports the subject matter of claim 17 and ask that the Examiner withdraw the new matter objection.

We note that applicants' representative Marc Wefers discussed this issue with the Examiner during a telephone interview on September 22, 2005. No agreement was reached.

Claim 35 has been amended to address the only other claim objection. Also, claim 11, which is similar to claim 35 has been amended to be consistent with claim 35.

Prior Art Claim Rejections

Claims 1-24 are allowed.

The only claims rejected are independent claim 25 and some of its dependent claims. However, dependent claim 28 (among other dependent claims) is indicated as being allowable if rewritten in independent form. Accordingly, to expedite allowance and without conceding the merits of the rejection, independent claim 25 has been amended to include the subject matter of

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Page : 8 of 8

Attorney's Docket No.: 00216-638001 / OB-184
Reissue

dependent claim 28, now cancelled. Therefore we submit that claim 25 as now amended, and all its remaining dependent claims, are in condition for allowance.

Conclusion

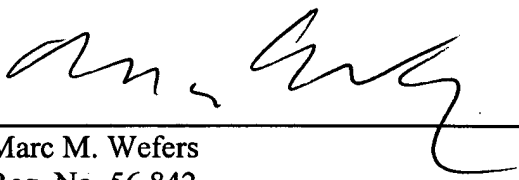
In view of the above, we ask that the Examiner allow the application.

Please apply any charges or credits to deposit account 06-1050, referencing 00216-638001.

Respectfully submitted,

Date: _____

10/21/05



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